

REMARKS

Prior to this Amendment, Claims 21-38 were pending in this application, with Claims 21 and 32 being independent claims. The drawings are objected to under 37 C.F.R §1.84(p)(5). Claims 21, 27-29, and 32 are rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement.

Claims 21-23, 31-34, and 37-38 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,230,073 to Kofman et al. (hereinafter, "Kofman"). Claims 24 29-30 and 35-36 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kofman. Claims 25 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kofman in view of U.S. Patent No. 6,408,595 to Friedman.

As indicated above, FIG. 6 and Claims 21, 25, 27, 29, 32, 35, and 36 have been amended. Claims 22, 28, and 34 have been cancelled. New Claim 39 has been added. No new matter has been presented. Claims 21, 23-27, 29-33, and 35-39 are now pending, with Claims 21 and 32 as independent claims.

Regarding the objection to the Drawings, the Examiner states that FIG. 6 does not include the reference numeral 90. (Office Action, page 2). The enclosed amended FIG. 6, which is designated by "REPLACEMENT SHEET," is amended to replace the reference numeral "92" pointing to a cassette with reference numeral "90". Accordingly, withdrawal of the objection to the drawings is respectfully requested.

Regarding the §112, first paragraph, rejection of independent Claims 21 and 32, the Examiner states that the term "shape" in the phrase "at least one cassette including a recess corresponding to a variable size and shape" constitutes new matter. As indicated above, independent Claims 21 and 32 have been amended to recite, "at least one cassette

including a recess corresponding to ~~[[a]]variable size and shaped dimensions~~.” The Specification of the present application states, “To accommodate different dimensions of the food items 20, the printing trays 16, 18 have a plurality of indentation...” (Specification, page 4, lines 21-24). Since the Specification of the present application uses the term “different dimensions,” which includes both different shapes and different sizes, the above-quoted amendments to independent Claims 21 and 32 are consistent with the Specification of the present application. Therefore amended independent Claims 21 and 32 satisfy the requirements of 35 U.S.C. §112, first paragraph. Accordingly, withdrawal of the §112, first paragraph, rejection of independent Claims 21 and 32 is respectfully requested.

Regarding the §112, first paragraph rejection of Claim 27, the Examiner asserts that the phrase “the guide mechanism comprises two gears spaced axially apart for engaging two racks attached to a bottom surface of the directing tray” is new matter. (Office Action, page 3). As indicated above, Claims 25 and 27 have been amended to change the limitation “attached to a bottom surface of the directing tray” to “attached to the directing tray.” FIGs. 8 and 9 of the present application illustrate two different arrangements of racks. In the first arrangement of FIG. 8, two racks are attached to the sides of a directing tray 16, while in FIG. 9, a single rack is attached to a bottom of the directing tray 18. Therefore amended Claim 27 satisfies the requirements of 35 U.S.C. §112, first paragraph. Accordingly, withdrawal of the §112, first paragraph, rejection of Claim 27 is respectfully requested.

Regarding the §102(b) rejection of independent Claims 21 and 32, these claims have been amended to incorporate the limitations of dependent Claims 22 and 34, respectively, as well as to recite that the printing device is limited to movement within a fixed height above the directing tray. More specifically, Claims 21 and 32 have been amended to recite:

a printing device that is moveable only within a plane at a fixed height above the directing tray, for printing an image onto the food item, wherein a depth of the recess of the at least one cassette is determined based upon a thickness of the food item, such that a top surface of the food item is positioned a predetermined optimal distance from the printing device when the directing tray receiving the at least one cassette is positioned below the printing device.

Kofman illustrates a printing head that can move to side-to-side, as well as at varying heights above a printing surface. FIG. 6 of the present application, illustrates a printing device 22 moving laterally, while maintaining a fixed vertical gap "S" between the printing device 22 and a directing tray 90, as well as maintain the same fixed gap "S" between the printing device 22 and a top surface of food products placed into cassettes in the directing tray 90.

By contrast, in Kofman, although frames 86 are designed so that a top surface of a product are flush or a notch lower than a rim 88 of the frame, the thickness of the frame 86 or a cassette is not designed to maintain an optimal distance between a printing device and the product. To the contrary, according to Kofman, the height of a printing head itself is adjusted in order to adjust a distance D between the top surface of the product and the printing head. (Kofman, paragraph 7, lines 22-25).

Therefore, Kofman does not teach the above-quoted limitation of amended independent Claims 21 and 32. Amended independent Claims 21 and 32 are not anticipated by Kofman. Accordingly, withdrawal of the §102(b) rejection of amended independent Claims 21 and 32 is respectfully requested.

Claims 23-27, 29-31, 33, and 35-39 are dependent claims, and are believed to be in condition for allowance for at least the reasons given above with regard to their respective independent Claims 21 and 32.

Accordingly, all of the claims pending in the Application, namely, Claims 21, 23-27, 29-33, and 35-39 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



Douglas M. Owens III
Reg. No. 51,314
Attorney for Applicants

THE FARRELL LAW FIRM, LLP
290 Broadhollow Road, Suite 210E
Melville, New York 11747
Tel: (516) 228-3565
Fax: (516) 228-8475